

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA**

BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KERA DAWN EVANS, *aka Kera
Dawn Hoots*,

Defendant.

CR 13-79-BLG-SEH

FINDINGS AND
RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to Count II of the Indictment, which charges the crime of possession with intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1). The Defendant also agreed to concede the forfeiture of any ownership interest she has in those items of property subject to the criminal forfeiture allegation in the Indictment and stipulates to the entry of a preliminary order of forfeiture regarding those items.

After examining the Defendant under oath, the Court determined that the Defendant: (1) knowingly, intelligently, and voluntarily entered

the guilty plea; and (2) fully understands her constitutional rights and the extent to which such rights are waived. The Court also determined that the offense charged and to which the Defendant entered a guilty plea contained each of its essential elements.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that she fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. I recommend that the Defendant be adjudged guilty and that sentence be imposed. A presentence report has been ordered.

I further recommend that the Court enter a preliminary order of forfeiture regarding the property subject to the forfeiture allegation, described as: (1) a Marlin Glenfield model 60, .22 caliber long rifle, serial number 24378426; (2) a Ruger model M77, 22-250 caliber rifle, serial number 78606869; (3) a High Standard model Sport King, .22 caliber handgun, serial number 503887; (4) a Tanfoglio 9 millimeter handgun, serial number H35889; (5) a Mossberg model 500AB, 12 gauge shotgun, serial number G310243; and (6) a Walther Smith and Wesson P22 handgun.

Objections to these Findings and Recommendation are waived unless filed and served within fourteen (14) days. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P 59(b)(2).

DATED this 22nd day of November, 2013.

/S/ Carolyn S. Ostby
United States Magistrate Judge